



FELIX R. MEDINA, et al.,

Plaintiffs,

v.

CUVEN CONSTRUCTION, et al.,

Defendants.

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**ORDER GRANTING BY DEFAULT DEFENDANT  
3C CONSTRUCTION'S DISCOVERY MOTIONS**

Presently pending before the Court are Defendant 3C Construction Corporation's Consent Motion To Compel Appearance at Deposition and For the Award of Sanctions (DE # 424, filed 12/9/04) and Defendant 3C Construction Corporation's Consent Motion For Sanctions and To Compel Outstanding Interrogatory Responses (DE # 425, filed 12/9/04). Based on the consent of the parties, these motions are referred to the undersigned Magistrate Judge for final disposition (DE # 43).

Plaintiffs have not responded to these motions and the last day to timely serve a response was December 27, 2004. Therefore, pursuant to Local Rule 7.1 C., it is hereby

**ORDERED AND ADJUDGED** that Defendant 3C Construction Corporation's Consent Motion To Compel Appearance at Deposition and For the Award of Sanctions (DE # 424, filed 12/9/04), is **GRANTED by default**. On or before February 1, 2005, Plaintiffs Marlon Correa, Anthony McGee, Alberto Noa and Jose Guevera must appear for deposition. Failure to comply with this Order may result in the dismissal of the claims asserted by these Plaintiffs. Pursuant to Fed.R.Civ.P. 37(a)(4)(A), Plaintiffs must pay Defendant 3C Construction Corporation, as a sanction, the reasonable attorney's fees

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incurred by 3C in bringing this motion and the Court Reporter costs incurred by 3C related to Plaintiffs' non-appearance at the noticed depositions. It is further

**ORDERED AND ADJUDGED** that Defendant 3C Construction Corporation's Consent Motion For Sanctions and To Compel Outstanding Interrogatory Responses (DE # 425, filed 12/9/04) is **GRANTED by default**. On or before January 21, 2005, Plaintiffs Donald Mejia, Carlos Largaespada, Marlon Correa, Anthony McGee, Vladimir Fajardo and Alberto Noa must provide Defendant 3C Construction Corporation with fully executed responses to interrogatories. Failure to comply with this Order may result in the dismissal of the claims of these Plaintiffs. Pursuant to Fed.R.Civ.P. 37(a)(4)(A), Plaintiffs must pay Defendant 3C Construction Corporation, as a sanction, the reasonable attorney's fees incurred by 3C in bringing this motion. It is further

**ORDERED** that on or before January 21, 2005, Plaintiffs' counsel and counsel for Defendant 3C shall confer in an attempt to resolve the amount of the award to Defendant 3C. If the parties are unable to agree, on or before January 25, 2005, Defendant 3C shall file a motion to establish the amount of the award.

**DONE AND ORDERED** at Miami, Florida, this S<sup>7</sup> day of January, 2005.



ANDREA M. SIMONTON  
UNITED STATES MAGISTRATE JUDGE

**Copies furnished to:**

**The Honorable Joan A. Lenard**  
**United States District Judge**

**J. H. Zidell, Esq.**  
300 71st St., Ste. 605  
Miami Beach, FL 33141-3089  
Fax # 305-865-7167  
(Counsel for Plaintiffs)

**Charles Robinson Fawsett, Esq.**  
Shutts & Bowen LLP  
P.O. Box 4956  
Orlando, FL 32802-4956  
Fax # 407-425-8316  
(Counsel for Defendant Cuven Corp.)

**Jeanette E. Albo, Esq.**  
Shutts & Bowen LLP  
201 South Biscayne Blvd  
1500 Miami Center  
Miami, FL 33131  
Fax # 305-347-7386  
(Counsel for Defendant Cuven Corp.)

**Joseph A. Miles, Esq.**  
Siegfried, Rivera, et al.,  
201 Alhambra Cir., Suite 1102  
Coral Gables, FL 33134  
Fax # 305-443-3292  
(Counsel for Defendant 3C Construction Corporation)

**Adam P. Handfinger, Esq.**  
Peckar & Abramson  
1 S.E. 3rd Ave., Ste. 3050  
Miami, FL 33131-1715  
Fax # 305-375-0328  
(Counsel for Defendants Turner Construction and Austin Commercial)